

06/25/01 MON 15:25 FAX 617 7000

FOLEY HOAG & ELLIOT

DECLARATION FOR PATENT APPLICATION

Docket Number BYK-001.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Networked Audio Posting Method and System

the specification of which (check one)

☒ is attached hereto.☐ was filed on Date _____ as United States Application Number or PCT International Application Number _____ and was amended (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

60/214,151

June 26, 2000

(Application Number)

(Filing Date)

60/254,749

December 11, 2000

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status: patented, pending, abandoned)

I hereby appoint Beth E. Arnold, Reg. No. 35,430; Isabelle Clauss, Reg. No. 47,326; Kirk A. Damman, Reg. No. 42,461; Stephen B. Deutsch, Reg. No. 46,663; William D. DeVaul, Reg. No. 42,483; Daniel P. Gaudet, Reg. No. P-48,584; Robert W. Gauthier, Reg. No. 35,153; Jason Gish, Reg. No. 42,581; Dana Gordon, Reg. No. 44,719; Robert A. Greenberg, Reg. No. 44,133; Jennifer K. Holmes, Reg. No. 46,778; Scott E. Kamholz, Reg. No. P-48,543; David A. Lane, Reg. No. 39,261; W. Hugo Liepmann, Reg. No. 20,407; Jim Olesen, Reg. No. 46,967; Kevin A. Oliver, Reg. No. 42,049; Chinh H. Pham, Reg. No. 39,329; Philip C. Swain, Reg. No. 32,376; Kingsley L. Taft, Reg. No. 43,946; John Quisel, Reg. No. 47,874; Anita Varma, Reg. No. 43,221; Sharon Webb, Reg. No. 47,172; and John L. Welch, Reg. No. 28,129 as attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Kevin A. Oliver at telephone number (617) 832-1241.

Address all correspondence to:

Customer Id No: 25181

Patent Group


Foley Hoag & Elliot, LLP

One Post Office Square

Boston, MA. 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Jeffrey M. Valentine

Inventor's signature: 

Date: June 25, 2001

Residence: 51 Lopez Street, Apartment 4, Cambridge, Middlesex County, Massachusetts

Citizenship: USA

Post Office Address:

☒ Additional inventors are being named separately numbered sheets attached hereto.

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FOLEY HOAG & ELIOT LLP

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Full name of second joint inventor (given name, family name): Michael BernardoInventor's signature: *Michael Bernardo*Date: June 25, 2001Residence: 2 Longwood Drive, Andover, Essex County, MassachusettsCitizenship: USA

Post Office Address: _____

Full name of third joint inventor (given name, family name): Benjamin KrysiakInventor's signature: *Ben Krysiak*Date: June 25, 2001Residence: 11 Monument Square, Charlestown, Middlesex County, MassachusettsCitizenship: USA

Post Office Address: _____

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**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(e))--SMALL BUSINESS CONCERN**

Docket Number (Optional)
BYK-001.01

Applicant or Patentee: Valentins et al.
Serial or Patent No.: To be Assigned
Filed or Issued: Herewith

Title: Networked Audio Posting Method and System

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN BYOBroadcast, Inc.
ADDRESS OF SMALL BUSINESS CONCERN 400 Unicorn Park Drive, Woburn, MA 01801

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern with would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

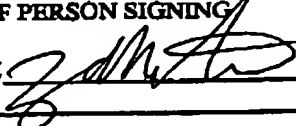
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING
TITLE OF PERSON IF OTHER THAN OWNER
ADDRESS OF PERSON SIGNING

Jeffrey M. Valentine
Executive Vice-President
400 Unicorn Park Drive, Woburn, MA 01801

SIGNATURE



DATE June 25, 2001

20/462076.1